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AMESBURY CITY CLERK

PLANNING BOARD DECISION

Property Ownership: **George & Kelly Norwood**
18 Champion Road, North Andover MA 01845

Applicant: **George & Kelly Norwood**
18 Champion Road, North Andover MA 01845

Application Type: **SPECIAL PERMIT – Water Resource Protection District**

Project: **Demolition and Re-construction of a single family dwelling**

Location: **28 Lake Attitash Road, Amesbury, MA 01913**

Date: **August 08, 2016**

A. GENERAL

On or about 12/28/15, the Amesbury Planning Board (the “Board”) received a Special Permit application for proposed re-construction of a single family dwelling structure (“Project”) at 28 Lake Attitash Road in Amesbury MA. The application was submitted along with a Site Plan (the “Plan”) drawn on 10/10/15 by Atlantic Engineering and Survey Consultants, Inc., 97 Tenney Street, Georgetown MA 01833 last revised on 07/21/16 and submitted along with supporting documents by John Paulson on behalf of George & Kelly Norwood (the “Applicant”). The set of plans consists of two (2) sheets and includes civil, landscaping and other site improvement plans.

The initial public hearing was held on 01/25/16 and subsequent continued public hearings through 07/25/16. The public hearing was closed and a decision was rendered on 08/08/16. This is the Final Action of the Board (“Decision”) on the Special Permit application.

B. FINDINGS:

1. **Project:** The subject parcel is located in both, Zone A and Zone B, of the Water Resource Protection District as shown on the Plan. The proposed activities are allowed subject to Special Permit approvals from the Planning Board under Sections XIV.E.3 and XIV.I.A.2.;
2. **Existing Conditions:** The approximately 8,298 sf parcel is shown on Map 59 Lot 36. It is owned by George & Kelly Norwood. The site is located in the R-20 district and requires a minimum lot area of 20,000 sf. The project site is currently developed and there is an existing single family structure on it. The existing lot is non-conforming and has received the approval from the Zoning Board of Appeals to construct the replacement structure;
3. **Project Description:** The Applicant proposes to demolish the existing house and shed and propose a new single family structure. Other site improvements include additional parking areas, walkways along with landscaped areas. The proposed work seeks to minimize erosion and sedimentation, incorporate natural drainage patterns and vegetation in order to maintain stormwater patterns and water quality as required under Section XIV.E.4.;
4. **Storm water Management:** The proposed site improvements do not intend to increase the impervious surface. The stormwater design incorporates natural drainage patterns and vegetation in order to maintain pre-development stormwater patterns and water quality by routing stormwater runoff through landscaped, vegetated surfaces which promotes treatment, nutrient uptake and infiltration. The Board finds that these design measures and maintenance requirements will reduce the likelihood of any detrimental impact on abutting properties due to stormwater runoff provided the site improvements and finished grades are constructed as shown on approved plans;
5. **Neighborhood and Infrastructure Impacts:** No other additional uses are proposed on the site. The proposed improvements will not create any additional burden on the existing public infrastructure or have any negative impacts on the neighborhood. The proposed

improvements are in keeping with the residential character of the neighborhood and will not be an intensification of the existing use on the subject property; and

6. **Other Permits Needed:** The Project is subject to review by the Amesbury Conservation Commission under the local and state regulations. The Board has determined that it will incorporate the Order of Conditions and terms therein by reference here to ensure that the proposed development and improvements in the flood zone area are made with no detrimental to environmental resource areas or otherwise endanger public health.

Based on the findings noted above, the Board finds that the Project satisfies the Special Permit Criteria under Section X.J of the Amesbury Zoning Bylaw (the "Bylaw").

C. APPROVAL OF THE SITE PLAN AND CONDITIONS THERETO

Upon notice and after a public hearing in accordance with the statute (General Laws, Chapter 40A, section 11) and the Amesbury Zoning Bylaw, and after full consideration of the evidence presented, and upon the findings made in Section B of this Decision, and with conditions hereinafter set forth, Special Permit for proposed activity with the Water Resource Protection at 28 Lake Attitash Road in Amesbury, MA is granted to the Applicant for the premises described in the application.

I. COMPLIANCE WITH LOCAL, STATE AND FEDERAL REQUIREMENTS:

The Project and all construction, utilities, drainage and all related appurtenances with respect to the Project, shall comply with all applicable local, state and federal regulations except as waived specifically by this Decision. The Applicant shall be responsible for acquiring all other local, state and federal permits and approvals as necessary to construct the Project as approved by the Board. Final action on all other permits shall be submitted to the Board for record prior to start of any construction activity on the site.

II. PRIOR TO START OF ANY CONSTRUCTION ACTIVITY ON SITE

The Applicant shall file with the Board and all other relevant public agencies for review and for consistency with this Decision any documents and shall have completed the following actions:

1. **Legal Documents:** The following documents shall be submitted to the Board and the Building Inspector:
 - a) *Documents Recorded at the Southern Essex Registry of Deeds:*
 - i. A copy of this Decision and Site Plan Set;
 - ii. A copy of the Order of Conditions issued by ACC.
2. **Detailed Construction Schedule:** The Applicant has provided an outline of when various activities will be performed on site. A detailed construction schedule identifying the sequence and timetable of all key components of the proposed activity shall be submitted to the Board;
3. **Detailed Architectural Drawings:** The Applicant has provided a building footprint and a rendering of the proposed structure. Final architectural drawings for the residential structure and garage and car port shall be provided to the Board for review, approval and determination of compliance with the approved plan and this decision;
4. **Permanent Restrictive Covenant:** The Applicant shall submit a legal covenant with the following restrictions in perpetuity: 1) only improvements shown on the approved Plan shall be made; 2) the parking areas shall remain permeable pavers as shown on the approved plan and not re-paved with bituminous pavement 3) only permeable pavers shall be used for construction of the parking areas and walkways and 4) No portion of the deck facing Lake Attitash shall be covered with a roof or enclosed and all areas beneath the deck shall remain open and unenclosed; and 5) No portion of the car port shall be enclosed;
5. **Erosion Control Measures:** The Board's representative shall verify the limit of work, and ensure that erosion control measures have been established as shown on the approved plan and that stockpile areas have been clearly identified;

6. **Sedimentation and Erosion Control Bond** – The Applicant shall be required to post Surety with the Board for Sedimentation and Erosion to ensure that stormwater runoff management, erosion control measures, landscaping and final grades are implemented on site as per Final Plans and other engineering drawings and to ensure that remedial actions can be taken to address any detrimental impacts from erosion and sedimentation during construction and until all improvements have been completed;
7. **Pre-Construction Conference** – Upon authorization by the Board and at least five (5) business days prior to any initial site work, a Pre-Construction conference shall be held with the Applicant, Applicant's contractor, a representative of the Board, its consulting engineer, and representatives of the City Departments having an interest in the Plan. Said meeting shall be for the purpose of familiarization with the project, the conditions of approval, and the project's construction sequence and timetable. This meeting may be held in conjunction with the meeting required under the Order of Conditions; and
8. **Request for Pre-construction Conference:** The request for a Pre-construction Conference shall be acted upon by the Board only AFTER the Board has received and reviewed ALL of the documents required per this Decision before start of construction and has determined that the Project is ready to proceed to the construction phase. Upon authorization by the Board, its representatives shall schedule the Pre-construction Conference.

III. PRIOR TO MAKING REQUEST FOR A BUILDING PERMIT

The Applicant shall submit an affirmative letter from the Board stating that all conditions necessary to start construction have been met prior to making request for a Building Permit associated with any addition, alteration or expansion of structures and more specifically the deck and its extension as shown on the final Plan.

IV. DURING CONSTRUCTION

The following shall apply to all construction activity as per approved Site Plan:

1. **Stockpiles** - All earth stockpiles shall be established in locations as approved by the ACC or at a distance no less than fifty (50') feet from the edge of environmental resource boundaries, whichever is greater. Due to site constraints, temporary stockpiles may be allowed between fifty (50') feet and one hundred (100') feet from the edge of Lake Attitash, provided those stockpiles are removed within 48 hours of each occurrence. Earth material stockpiles shall not be allowed immediately adjacent to perimeter siltation barriers or drain inlets. Long term stockpiles over 30 days shall be shaped stabilized and circled by siltation fence and haybales and shall be stabilized by temporary seeding, sheeting or netting;
2. **Erosion Control and Stormwater Maintenance Requirement:** The Applicant's designee or assignee shall on a quarterly basis submit interim reports and supporting documents to the Board showing that stormwater runoff is being adequately managed during the construction phase. The proposed sediment and erosion control measures shall be properly maintained at all times during the construction phase. These control measures may be removed only upon completion of all site work and approval of the Board's oversight engineer;

V. PERPETUITY CONDITONS:

1. **Allowed Use:** This Decision allows the proposed improvements in the location shown on the approved plan. No alterations, changes to the approved improvements, other additional uses or additional improvements shall be allowed without further review and approval by the Board. No habitable portion of the proposed structure shall project beyond the building footprint shown on the approved plan;
2. **Limit of Work:** The limit of work shown on the approved plan shall not be expanded or modified without the written approval of the Board;
3. **Construction Activity within Environmental Buffers & Approvals:** This approval is contingent upon the issuance of an Order of Conditions (OoC) by the Amesbury Conservation Commission (ACC or the "Commission") and its continuous validity until all improvements are complete per the Final Plans. The Decision of the ACC and all the

conditions stated therein shall be included in this Decision by reference. In order to effectively coordinate and integrate the required observation and inspection reports for this project, the Board recognizes that the Plan(s) shown under the Notice of Intent Application (as revised) and the OoC, issued by the ACC, shall also be carried out to the satisfaction of the Commission or its agents. Also,

- a. Except as waived by a decision of the Commission, the construction of this project shall comply with the Amesbury Wetlands Ordinance and Amesbury Conservation Commission Regulations in effect at the time any building permit is sought for the project or for any jurisdiction for roadway-associated construction, and with all rules, regulations, filing and permit requirements and certifications of the Commission with respect to natural resource protection, construction of storm water management structures within the Buffer zone and their disposal, construction of other structures including retaining walls within the Buffer Zone, and wastewater disposal;
- b. Any request for alteration to the Order of Conditions made by the Applicant to the Commission (or to Massachusetts Department of Environmental Protection (Mass DEP), upon appeal) shall be simultaneously provided to the Board. The proposed work shall comply with the "Order of Conditions" issued by the Commission upon the said premises;
- c. The Order of Conditions from the Commission shall be carried out to the satisfaction of the Commission. Any violation of the Order of Conditions issued by the Commission shall be deemed to be a violation of this Approval, with all remedies to the City of Amesbury or the Planning Board as provided by law;
- d. The Applicant shall submit a copy of the recorded Certificate of Compliance as issued by the Commission within six (6) months of issuance of final Certificate of Compliance or completion of all work included in the Order of Conditions, whichever is earlier;

4. **As-Built Plans and Repairs:** To ensure compliance with the terms and conditions of this Decision and any approval or order by any federal or state agency, the Applicant shall submit to the Board complete and detailed Progress "As-Built" Plans with its request for a Certificate of Completion for all remedial work approved in this Decision. The accuracy of such Progress or Final As-Built Plans shall be certified by a Land Surveyor or a Professional Engineer, Registered in the Commonwealth of Massachusetts, retained by the Applicant. Any damage to public roads and walkways shall be repaired and/or replaced to the satisfaction of the Director of Public Works;
5. **Release of the Sedimentation and Erosion Control Bond:** Prior to release of any Surety, the Board shall verify with its construction observation Consultant and the Commission that the soils and slopes have stabilized and that there is evidence of healthy mature grass growing on slopes and lawns. Partial releases shall be allowed in amounts not less than fifty percent (50%) of the total initial surety bond amount held by the Board only after completion of all improvements within the 25 feet Buffer Zone as shown on the Final Plan and submission of Progress As-built Plan. Final release shall be made upon submission of Final As-built Plan and after all planting materials have survived two (2) growing seasons;
6. **Modification of the Approved Site Plan or Special Permit conditions:** Any change to the approved plan or proposed improvements, including, but not limited to, building footprint, including single car garage, impervious area, final grading, areas of disturbances, location of decks, walkways or steps shall only be allowed after review and approval by the Board. No changes shall be made without the written approval of the Board;
7. **Plan Modification Process:** Prior to making any modifications, the Applicant shall provide detailed information and plans along with a formal written request for modification to the approved Plan and/or Special Permit for determination of minor or major modification and approval by the Board. Any modifications to the approved Site Plan, changes that impact the Performance Standards applicable to this Project or conditions of approval of this Decision, shall be subject to review and approval of the

Board. The Board shall, if it so determines, require the applicant to submit a new application for modification to the approved Site Plan and/or Special Permit and hold a new public hearing for review of the requested modifications; and

8. **Validity:** This permit is valid only for the use and structure as approved in the Decision and shall expire within two years from the issuance date if construction is not started in that time period. Any changes to the site plan, uses or other improvements shown on the approved plan without the approval of the Board shall render those unauthorized improvements or changes null and void. This permit is contingent upon the issuance of an Order of Conditions from the Amesbury Conservation Commission in compliance with the Massachusetts Wetlands Protection Act and related regulations, G. L. c. 131, § 40-40A, and the Amesbury Wetlands Ordinance and Regulations or if said permit(s) is appealed, a subsequent issuance of a Super-ceding Order of Conditions from the Massachusetts Department of Environmental Protection (Mass DEP).

Chair, Amesbury Planning Board

EXHIBITS:

Exhibit #1: Site Plan Set

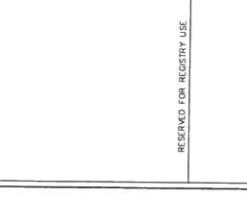
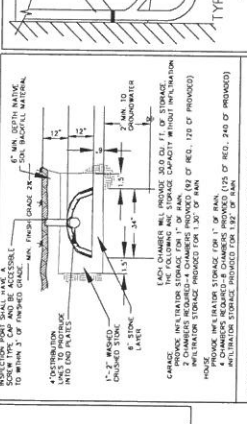
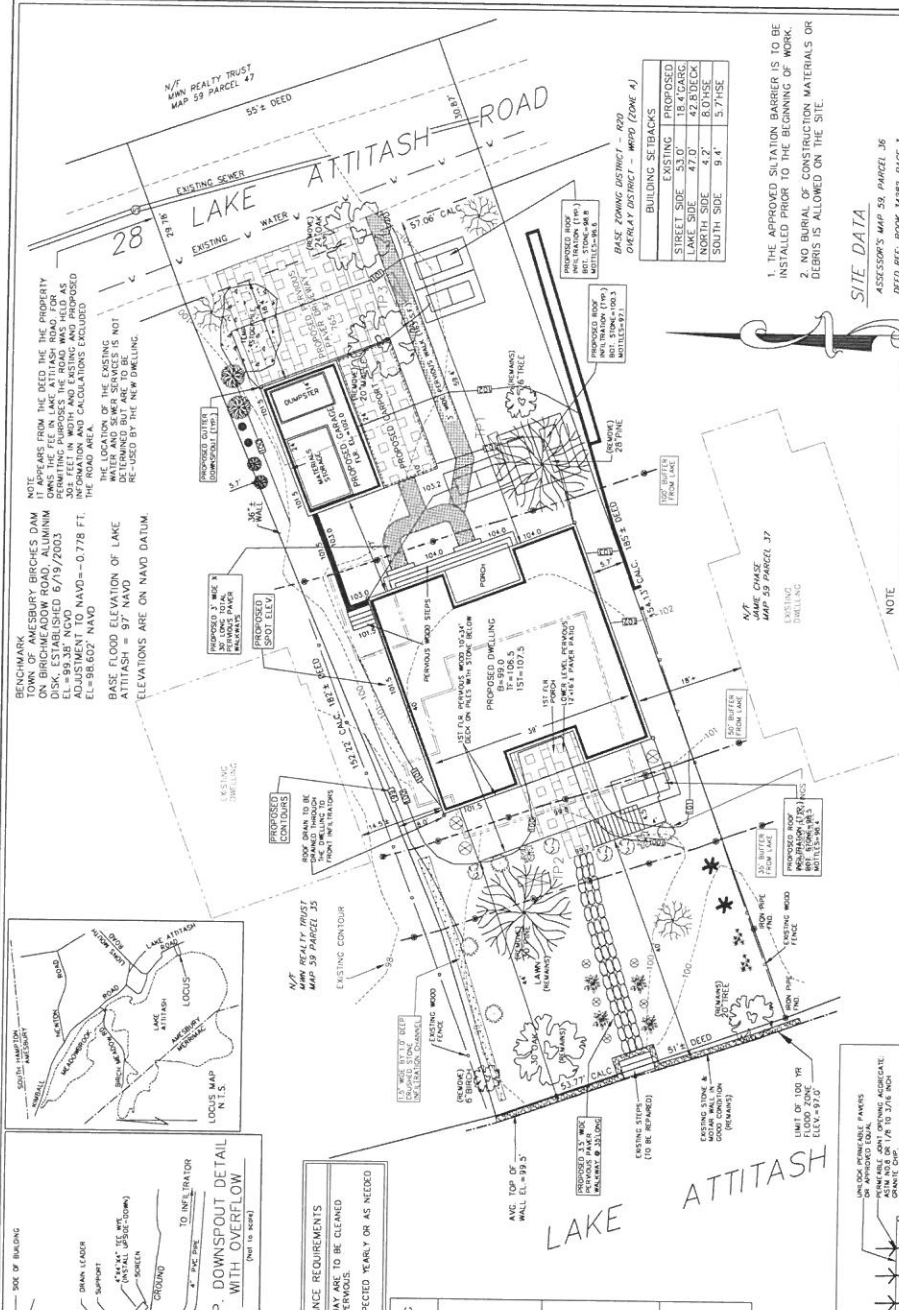
Prepared by: Atlantic Engineering and Survey Consultants, Inc., 97 Tenney Street, Georgetown MA 01833 unless noted otherwise.

Sheet 1 – Proposed Conditions

Title – Permit Plan for 28 Lake Attitash Road in Amesbury, MA

Sheet 2 – Existing Conditions

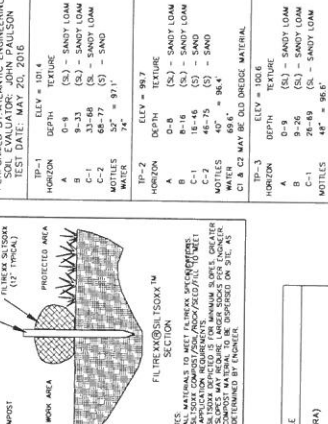
Title – Permit Plan for 28 Lake Attitash Road in Amesbury, MA



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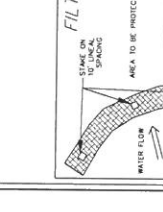
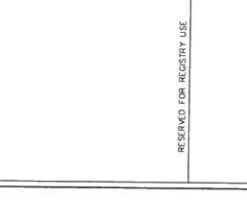
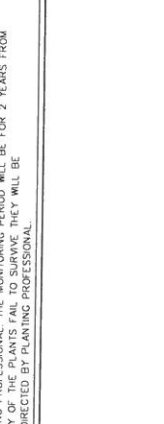
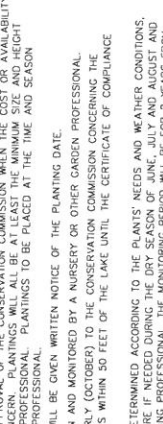
PERFORMED BY ATLANTIC ENGINEERING
TEST DATE: MAY 12, 2010

TEST	DEPTH	TEXTURE	WATER
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A	8-33"	(S) - SANDY LOAM	10.1
B	33-66"	(S) - SANDY LOAM	10.1
C-1	66-75"	(S) - SAND	10.1
C-2	75-91"	(S) - SAND	10.1
MOISTURE	33"	57	91.7
WATER	74"		
TP-2	0-8"	(S) - SANDY LOAM	10.1
A	8-33"	(S) - SANDY LOAM	10.1
B	33-66"	(S) - SANDY LOAM	10.1
C-1	66-75"	(S) - SAND	10.1
C-2	75-91"	(S) - SAND	10.1
MOISTURE	33"	57	91.7
WATER	74"		
TP-3	0-8"	(S) - SANDY LOAM	10.1
A	8-33"	(S) - SANDY LOAM	10.1
B	33-66"	(S) - SANDY LOAM	10.1
C-1	66-75"	(S) - SAND	10.1
C-2	75-91"	(S) - SAND	10.1
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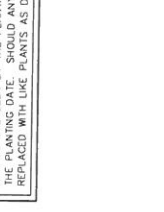
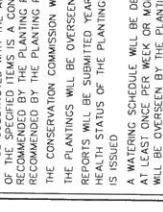
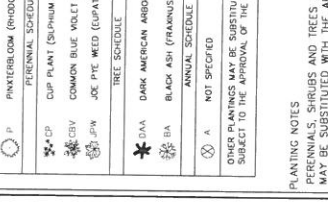
PLANTING SCHEDULE

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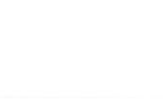
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SITE DATA

OWNER: GEORGE K. NORWOOD, JR. & KELLY A. NORWOOD

EXISTING CONDITIONS

PERMIT

AT
28 LAKE ATTITASH ROAD
IN
AMESBURY, MASSACHUSETTS

PREPARED FOR: GEORGE B. KELLY INFORMATION

18 CAMPION ROAD
NORTH ANDOVER, MA

ENGL 1001 (3)

ATLANTIC ENGINEERING & SURVEY CONSULTANTS INC.

97 TENNEY STREET -
- GEORGETOWN, MA 01854

PHONE: 978-352-7870 FAX: 978-352-9940

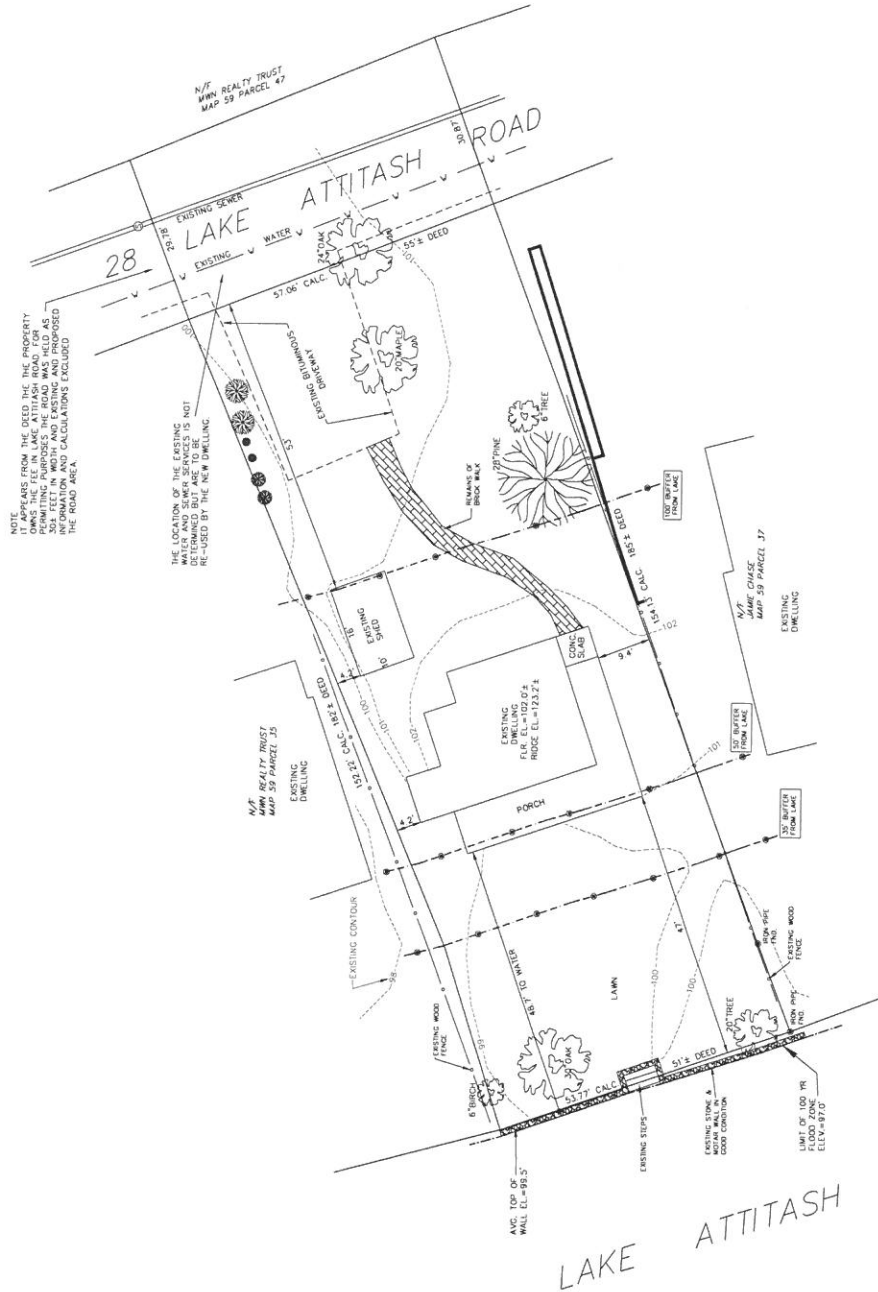
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JOB NO. A1508-05 DATE: OCTOBER 10 2015

DATE: OCTOBER 10, 2013

SHEET 2 OF 2

ONLY SHEET 1 IS RECORDED

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CON-
FORMANCE WITH THE PROCEDURAL, TECHNICAL & ETHICAL
STANDARDS FOR THE PRACTICE OF LAND SURVEYING
THE COMMONWEALTH OF MASSACHUSETTS

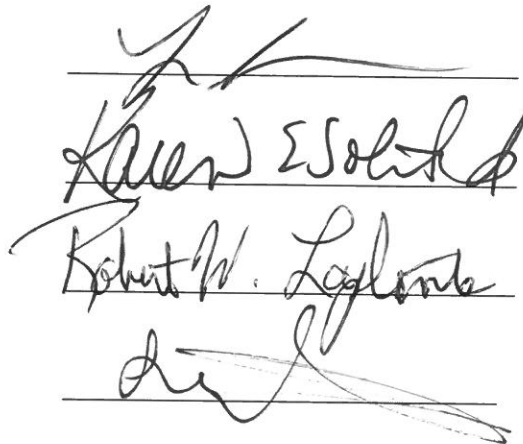
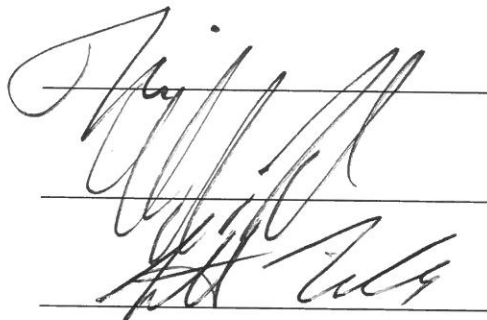


TO:

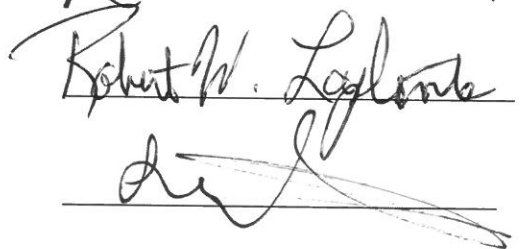
George & Kelly Norwood
18 Champion Road
North Andover MA 01845

PLANNING BOARD VOTE:

On August 08, 2016, the Amesbury Planning Board voted all in favor of the approval of the Special Permit, as amended, for the proposed demolition and reconstruction of a single family dwelling structure at 28 Lake Attitash Road in Amesbury MA, subject to the findings, waivers and conditions noted in this Decision.



Karen E. Solich



Robert W. Loggins

Filed with the City Clerk on August 9, 2016



Bonnie Kitchen

City Clerk

A Building Permit is required for any construction or remodeling. It is your responsibility to file this Special Permit Decision with the Registry of Deeds and to record the plans after endorsement; forms may be obtained from the City Clerk's Office.

Any appeal shall be made pursuant to Mass. General Laws, Section 17, Chapter 40A, and shall be filed within twenty (20) days after the date of filing of such notice in the City Clerk's Office.

Compliance with Conditions Set Forth by the Amesbury Planning Board Decision prior to Issuance of a Building Permit

SIGN-OFF FORM (PB200601-BUILDING)

(IMPORTANT: IT IS THE RESPONSIBILITY OF THE PERSON SEEKING BUILDING PERMIT TO GET THE SIGN OFF FROM EACH OF THE DEPARTMENTS LISTED BELOW. THE TOWN WILL NOT BE HELD RESPONSIBLE FOR LACK OF ACTION ON THE APPLICANT'S BEHALF. BEFORE SIGNOFF, COPIES OF THE RECORDED DECISION AND THE APPROVED PLAN SET SHOULD BE SUBMITTED TO THE PLANNING OFFICE.)

By signing below, the following Town Department/Town Officials, agree that the conditions of this permit prior to making application for building permit have been completed and recommend that an application for a building permit for the units indicated below may be granted:

Engineering Department/Town Engineer _____

Department of Public Works/DPW Director _____

Planning Office/City Planner _____

Conservation Commission/Agent _____

Police Department _____

Fire Department _____

Compliance with Conditions of the Amesbury Planning Board Decision prior to Issue of Certificate of Occupancy

SIGN-OFF FORM (PB200602-OCCUPANCY)

(IMPORTANT: IT IS THE RESPONSIBILITY OF THE PERSON SEEKING CERTIFICATE OF OCCUPANCY TO GET THE SIGN OFF FROM EACH OF THESE DEPARTMENTS. THE TOWN WILL NOT BE HELD RESPONSIBLE FOR LACK OF ACTION ON THAT PERSON'S BEHALF)

The following Town Department/Town Officials, by signing below, agree that the conditions of this permit from the start of construction to prior to issue of occupancy permit have been completed and recommend that the Certificate of Occupancy be granted for the units indicated on this form.

Engineering Department/Town Engineer _____

Department of Public Works/DPW Director _____

Planning Office/City Planner _____

Conservation Commission/Agent _____

Police Department _____

Fire Department _____